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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SEONG UG SIN,

Defendant.

CASE NO. *17J10-5062*

COMPLAINT for VIOLATION of
Title 46, United States Code,
Section 2302(c)

BEFORE Karen L. Strombom, Chief United States Magistrate Judge, United
States Courthouse, 1717 Pacific Avenue, Tacoma, Washington

COUNT ONE
(Operation of a Vessel While Under the Influence of Alcohol)

On or about April 14, 2010, at Port Angeles, in the Western District of
Washington, SEONG UG SIN did knowingly operate a vessel while under the influence
of alcohol, as determined under Title 33, Code of Federal Regulations, Sections 95.015
and 95.020.

All in violation of Title 46, United States Code, Section 2302(c).

The undersigned complainant, being duly sworn, states:

1. I am a Special Agent with the United States Coast Guard Investigative
Service (CGIS). I have served in the United States Coast Guard (USCG) for 17 years and
have been a Special Agent with CGIS for 8 years. I am a graduate of the Federal Law
Enforcement Training Center. I currently am assigned to CGIS Northwest Region,

1 Seattle, Washington, and am responsible for investigating various violations of federal
2 law within the jurisdiction of the Coast Guard, including potential violations of federal
3 statutes described below. This affidavit is based upon my own knowledge and upon
4 information that I have received from a USCG Boarding Officer involved in a boarding
5 conducted on the M/V STX DAISY on April 14, 2010.

6 2. Pursuant to Title 46, United States Code, Section 2302(c), it is a crime to
7 operate a commercial vessel under the influence of alcohol as determined under standards
8 prescribed by the Secretary of the Treasury by regulation. Those standards, which include
9 Titles 33, Code of Federal Regulations, Part 95, provide, among other things that

10 An individual is under the influence of alcohol when:

11 (b) The individual is operating a vessel other than a
12 recreational vessel and has an alcohol concentration of .04
percent by weight or more in their blood; or,

13 (c) The individual is operating any vessel and the
14 effect of the intoxicant(s) consumed by the individual on the
person's manner, disposition, speech, muscular movement,
general appearance or behavior is apparent by observation.

15 33 C.F.R. §95.020.

16 3. The USCG is charged with enforcing the laws of the United States and is
17 empowered under Title 14, United States Code, Section 89(a) to board ships and conduct
18 regular inspections and investigations of potential violations. Under Title 14, United
19 States Code, Section 89(a), USCG personnel may:

20 make inquiries, examinations, inspections, searches, seizures,
21 and arrests upon the high seas and waters over which the
United States has jurisdiction, for the prevention, detection,
22 and suppression of violations of laws of the United States.
For such purposes, commissioned, warrant, and petty officers
23 may at any time go on board of any vessel subject to the
jurisdiction, or to the operation of any law, of the United
24 States, address inquiries to those on board, examine the ship's
documents and papers, and examine, inspect, and search the
vessel and use all necessary force to compel compliance.


25 4. On April 14, 2010, beginning at approximately 4:00 a.m., a USCG team,
26 including MST2 Tyson Muniz, USCG Sector Seattle, Vessel Board and Search (VBS)
27 conducted an official inspection of the ship Motor Vessel (M/V) STX DAISY, a nearly-
28 600-foot Panamanian-flagged cargo ship. At the time of the inspection, the M/V STX

1 DAISY was underway in the Strait of Juan de Fuca, approximately four miles west of
2 Port Angeles, Washington

3 5. Upon boarding the M/V STX DAISY, VBS Boarding Team Members
4 noted a smell of alcohol coming from the crew, which was mustered for the boarding.
5 During the official inspection, MST2 Muniz smelled a strong odor of alcohol on the
6 Master of the vessel (that is, the person in command of the vessel), SEONG UG SIN.
7 SEONG UG SIN's eyes appeared glassy and bloodshot. MST2 Muniz did not observe
8 other signs that SEONG UG SIN was under the influence of alcohol. Nevertheless, after
9 speaking with SEONG UG SIN, MST2 Muniz suspected that SEONG UG SIN was
10 intoxicated. MST2 Muniz attempted to conduct an Afloat Field Sobriety Test battery of
11 SEONG UG SIN, but could not complete the test due to SEONG UG SIN's difficulty
12 understanding the English language.

13 6. MST2 Muniz then administered three Breathalyzer tests to SEONG UG
14 SIN, who voluntarily submitted to the tests. The initial breathalyzer test registered a void,
15 because SEONG UG SIN failed to follow MST2 Muniz's instructions. The second test
16 disclosed a blood alcohol concentration level of .102. The third test indicated a blood
17 alcohol concentration level of .108. During an interview with MST2 Muniz and
18 subsequent conversations with other Boarding Team Members, SEONG UG SIN
19 admitted that he had consumed alcohol the previous evening.

20 7. Based on the foregoing, I submit that there is probable cause to believe that
21 SEONG UG SIN has committed a violation of Title 46, United States Code, Section
22 4602(c).

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24 
25 JERRY L. PRICHARD, Complainant
26 Special Agent
27 Coast Guard Investigative Service
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2 Based on the Complaint sworn to before me, and subscribed in my presence, the
3 Court hereby finds that there is probable cause to believe that the defendant committed
4 the offense set forth in the Complaint.

5 DATED: this 14th day of April, 2010.

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7 
8 KAREN L. STROMBOM
9 Chief United States Magistrate Judge
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